

Message Text

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SUBJECT: SPECIAL POLITICAL COMMITTEE - ITEM 55: ISRAELI
PRACTICES IN OCCUPIED TERRITORIES

REF: (A) USUN 5124; (B) USUN 4923

1. SUMMARY: FOLLOWING PRESENTATION OF REPORT BY SPECIAL
COMMITTEE TO INVESTIGATE ISRAELI PRACTICES IN OCCUPIED
TERRITORIES TO GA SPECIAL POLITICAL COMMITTEE (SPC) NOVEMBER
10, SCENARIO OUTLINED REFTEL A FELL APART WHEN ARABS OBJECTED
TO SHOWING OF ISRAELI FILM. COMMITTEE ADJOURNED AFTER HOUR-
LONG ARGUMENT WITHOUT TAKING DECISION. SPEAKING AGAINST
SHOWING OF ISRAELI FILM WERE EGYPT, KUWAIT, SYRIAN, IRAQ,
PAKISTAN, YEMEN, LIBYA, DEMOCRATIC YEMEN, AND MAURITANIA.
IN ADDITION TO ISRAEL, THOSE SUPPORTING RIGHT OF BOTH FILMS
TO BE SEEN WERE US, NETHERLANDS (ON BEHALF OF EC-9), COSTA
RICA AND COLOMBIA. EGYPT REPORTEDLY IS SEEKING TO PERSUADE
ARAB COLLEAGUES TO ACCEPT ARRANGEMENT UNDER WHICH THEIR
OBJECTIONS WOULD BE REFLECTED IN RECORD BUT BOTH FILMS
WOULD BE SHOWN. END SUMMARY.

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2. SENEGALESE MEMBER OF SPECIAL COMMITTEE ON ISRAELI

PRACTICES (CHIEF JUSTICE KEBA M'BEYE) FORMALLY PRESENTED COMMITTEE'S REPORT TO SPC NOVEMBER 10. HE TERMED OCCUPATION ITSELF A VIOLATION OF RIGHTS OF PEOPLE UNDER OCCUPATION AND SAID IT PROVOKED RESISTANCE WHICH LED TO REACTIONS OF OCCUPYING POWER AND FURTHER HUMAN RIGHTS VIOLATIONS. HE CONSIDERED REPORT FACTUAL AND DEFENDED OBJECTIVITY OF COMMITTEE MEMBERS, WHOM HE CLAIMED ACTED NOT AS REPRESENTATIVES OF THEIR GOVERNMENTS, BUT IN ACCORDANCE WITH OWN CONVICTIONS. (LATTER POINT MADE IN REFERENCE TO ISRAELI OBJECTIONS TO FACT COMMITTEE MEMBERS COME FROM STATES NOT HAVING RELATIONS WITH ISRAEL.) HE CRITICIZED ISRAEL FOR DENYING COMMITTEE CHANCE TO VISIT OCCUPIED TERRITORIES; IT HAD THEREFORE DEvised OTHER PROCEDURES FOR ASCERTAINING FACTS BUT ALL TESTIMONY WAS REVIEWED "STRINGENTLY" AND CORROBORATING EVIDENCE SOUGHT, SUCH AS STATEMENTS BY ISRAELI AUTHORITIES. HE NOTED REPORT WAS ONLY CONDENSATION OF "MASSIVE" DOCUMENTATION AVAILABLE FOR REVIEW BY THOSE INTERESTED.

3. M'BAYE REFERRED TO "ISRAELI POLICY OF COLONIZATION AND ANNEXATION" WHICH HE FOUND "DIFFICULT NOT TO VIEW" AS CHALLENGE TO UN ITSELF. IN DISCUSSING REPORT'S SECTION ON CIVILIAN DETAINEES, HE WAS ESPECIALLY CRITICAL OF APPLICATION OF 1945 DEFENCE (EMERGENCY) REGULATIONS, WHICH HE CONTENTED WERE NOT A PART OF THE LAW OF THE OCCUPIED TERRITORIES AND VIOLATED THE FOURTH GENEVA CONVENTION. HE ALSO FOUND UNACCEPTABLE THE EXTRA TERRITORIALITY AND RETROACTIVE EFFECT OF CRIMINAL CODE (OFFENCE ABROAD) AMENDMENT OF 1972. COMMENTING ON SECTION OF REPORT ON QUNEITRA, M'BAYE NOTED 97 PERCENT OF DAMAGE HAD BEEN FOUND TO HAVE BEEN CAUSED DELIBERATLY.

4. IN CONCLUDING, M' BAYE APPEALED FOR ACTION, SUCH AS IMPLEMENTATION OF PROTECTING POWER PROVISIONS OF GENEVA CONVENTION, THAT WOULD PROVIDE PROTECTION FOR THE RIGHTS OF THE PEOPLE OF THE OCCUPIED TERRITORIES AND CRITICIZED "CERTAIN COUNTRIES" THAT PROFESS INTEREST IN HUMAN RIGHTS BUT SUPPORT ISRAEL IN ITS "OBSTRUCTION" OF WORK OF THE SPECIAL COMMITTEE.

5. CHAIRMAN (GREGORIADES OF GREECE, ACTING) SAID THERE HAD LIMITED OFFICIAL USE

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BEEN REQUEST FOR M'BAYE'S REMARKS TO BE REPRODUCED VERBATIM; THERE WAS NO OBJECTION TO THIS PROPOSAL. HE ANNOUNCED SYRIA AND ISRAEL HAD EACH ASKED TO SHOW A FILM OF ABOUT 20 MINUTES IN LENGTH. THERE WERE ALSO SEVERAL REQUESTS THAT FILM SHOWINGS BE MADE PART OF COMMITTEE RECORD (I.E., NO RECESS FOR SHOWING). HE SAID THIS WOULD BE DONE IF NO OBJECTION. THE EGYPTIAN REP SAID HE WISHED TO PUT ON RECORD HIS STRONG RESERVATIONS TO THE SHOWING OF AN

ISRAELI "PROPAGANDA FILM" IN SPC CHAMBER. IT WAS A CHALLENGE TO UN AND APOLOGIA FOR OCCUPATION, WHICH WAS VIOLATION OF CHARTER, OF INTERNATIONAL LAW, OF INTERNATIONAL WILL AND OF BASIC HUMAN RIGHTS. CHAIR NOTED REMARKS WOULD BE MADE PART OF RECORD.

6. KUWAIT SAID ARRANGEMENT OUTLINED BY CHAIRMAN WAS UNACCEPTABLE TO HIS DELEGATION AND IF ISRAEL WISHED TO SHOW FILM IT COULD DO SO OUTSIDE UN. SYRIA MADE SIMILAR COMMENTS AND NOTED FILM IT WISHED TO SHOW WAS NOT SYRIAN-MADE BUT A "FOREIGN DOCUMENTARY" RELATED TO A PART OF SPECIAL COMMITTEE'S REPORT. (NOTE: FILM DEALS WITH QUAEITRA.). AFTER IRAQ HEATEDLY OPPOSED SHOWING OF ISRAELI FILM AND ASKED FOR VOTE ON ISSUE, KUWAIT ON POINT OF ORDER INDICATED IT HAD ALREADY MADE FORMAL MOTION (WHICH CHAIRMAN HAD VALIANTLY SOUGHT TO TREAT AS STATEMENT FOR RECORD) AND WANTED A VOTE ON IT.

7. FURTHER STATEMENTS WERE MADE BY PAKISTAN (IN SUPPORT OF ARAB POSITION), COSTA RICA (CALLING FOR EQUAL TREATMENT FOR BOTH FILMS), AND GUINEA AND YEMEN (OPPOSING SHOWING OF ISRAELI FILM). ISRAEL MADE STATEMENT IN DEFENSE OF ITS FILM AS RELEVANT TO AGENDA ITEM UNDER CONSIDERATION, WHICH IRAQ HAD ARGUED WAS NOT THE CASE. AS TEMPERATURES ROSE, LIBYA AND DEMOCRATIC YEMEN SPOKE VITUPERATIVELY AGAINST ISRAELI FILM. THE NETHERLANDS, ON BEHALF OF EC-9, STRONGLY SUPPORTED EQUAL TREATMENT FOR BOTH FILMS ON BASIS OF FREEDOM OF EXPRESSION FOR ALL DELS. AFTER SECOND INTERVENTION BY COSTA RICA, US (JONES) ASSOCIATED ITSELF WITH DUTCH STATEMENT AND SAID: "MY DELEGATION BELIEVES THAT ALL MEMBER STATES REPRESENTED HERE MUST BE TREATED EQUALLY. IF ONE MEMBER STATE IS GIVEN THE OPPORTUNITY TO SHOW A FILM IN THIS CHAMBER IN CONNECTION WITH AN ITEM ON THE COMMITTEE'S LIMITED OFFICIAL USE

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AGENDA, ALL MEMBERS MUST BE GIVEN THE SAME OPPORTUNITY. THIS IS NOT ONLY PROPER AND ELEMENTARY UNDER THE CHARTER AND OUR RULES OF PROCEDURE BUT AN EXTENSION OF THE BASIC RIGHT OF FREE SPEECH. REGARDLESS OF ANY DELEGATION'S VIEWS ON THE SUBSTANCE OF THE AGENDA ITEM BEFORE US, I WOULD HOPE THAT THEY WOULD SUPPORT THE PRINCIPLE OF FREE SPEECH AND PERMIT BOTH FILMS IN QUESTION TO BE SHOWN."

8. FOLLOWING FURTHER STATMENTS BY IRAQ AND MAURITANIA, TURKEY PROPOSED ADJOURNMENT TO ALLOW TIME FOR CONSULTATIONS THAT MIGHT LEAD TO CONSENSUS. ISRAEL SPOKE FOR THIRD TIME AND KUWAIT INDICATED NO OBJECTION TO ADJOURNMENT. CHAIRMAN SUGGESTED THAT SINCE THERE WERE NO MORE SPEAKERS LISTED, COMMITTEE COULD ADJOURN UNTIL NEXT DAY. NO ONE OBJECTED.

9. FOLLOWING MEETING WE SPOKE WITH EGYPTIAN DEL (HAGGAG) WHO INDICATED CHAGRIN AT TURN OF EVENTS. WE UNDERSTAND HE IS TRYING TO PERSUADE ARAB COLLEAGUES TO WITHDRAW REQUEST FOR VOTE ON ISRAELI FILM SHOWING AND THAT IT IS PROBABLE THAT ORIGINAL ARRANGEMENT (TO WHICH EGYPT HAD AGREED BEFORE MEETING) WILL BE FOLLOWED AND BOTH FILMS SHOWN. SHOULD THERE BE VOTE, IT IS VIRTUAL CERTAINTY THAT KUWAITI PROPOSAL THAT ISRAELI FILM NOT BE SHOWN WOULD PASS, AS THERE WOULD BE MANY ABSTENTIONS. EC-9 AND MOST IF NOT ALL OTHER WEO'S WOULD VOTE AGAINST SUCH PROPOSAL, AS WOULD FEW LA'S AND PERHAPS FEW AFRICANS, BUT ARABS AND THEIR SUPPORTERS WOULD CARRY THE DAY.
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